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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/789,025 01/27/97 KERZMAN

EXAMINER
J 33812/104/10

LM21/0708

ART UNIT	PAPER NUMBER
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TRANS, V

DATE MAILED:  
2763

07/08/98

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire -3- month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 1-41 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-41 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit: 2763

1. This application has been examined.
2. Claims 1-41 are pending in this application.
3. Claims 1-41 are rejected under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Taken as a whole, the claims are unduly multiplied, obscure and conceal the invention, and accordingly, fail to comply with 35 U.S.C. 112. The number of claims: (1) is unreasonable in view of the nature and scope of applicant's invention and the state of the art, (2) exceeds the number necessary to sufficiently claim the subject matter of the claimed invention and (3) inherently makes it difficult to ascertain exactly what the claimed invention is. Accordingly, applicant is **REQUIRED** to reduce the number of claims to no more than three (3) independent claims and a total of twenty (20) claims, or select no more than this for purposes of examination on the merits. Applicant is respectfully reminded that a complete response to this formal multiplicity rejection must either reduce the number of claims presented to a number not exceeding the number specified by the Examiner or select no more than this number of claims for purposes of examination on the merits, and, in the event of a traverse of the multiplicity rejection, specifically point out the supposed errors of the multiplicity rejection. See MPEP 706.03(L).

Art Unit: 2763

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent N. Trans whose telephone number is (703) 305-9750. The examiner can normally be reached on Monday - Thursday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska, can be reached on (703) 305-9704. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

A handwritten signature in black ink, appearing to read "Vincent N. Trans", written in a cursive style.

VINCENT N. TRANS  
PRIMARY EXAMINER